Court No. 2

Civil Misc. Writ Petition No. 1590 (M/S) of 2001
(Old No. 29503 of 2000).

Vijai Pal Singh …….. Petitioner.

Verrsus

State of U.P. through Commissioner,
Saharanpur Division, Saharanpur
And another. ……. Respondents.

……..

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner challenging the order dated 09.5.2000, passed in Appeal No. 10 of 1999 filed by the appellant/petitioner under Section 18 of the Arms Act, by which the appellate authority has dismissed the appeal on the ground of limitation.

The licensing authority cancelled the Arms licence of the petitioner on 16.7.1999 against which appeal was filed on 15.4.2000. The appellate Court in its order has simply recorded one line that the application filed under Section 5 of the Limitation Act does not disclose the satisfactory ground for condonation of delay. The appellate Court has not dealt with the ground given in the application under Section 5 of the Limitation Act as to how it was not satisfactory. The application under Section 5 of the Limitation Act is on record and the reasons have been stated therein for condonation of delay in filing the appeal. The appellate authority fell into error in not dealing with those reasons and passing a cryptic order of one line that the grounds are not satisfactory. Therefore, the impugned order dated 09.5.2000 cannot be sustained in the eye of law and the same is liable to be set aside.

A writ of certiorari is issued. Order dated 09.5.2000 is hereby quashed. The petition is allowed. The appellate authority is directed to entertain the appeal and decide the same on merit.

(P.C. Verma, J.)

28.5.2002
P.Singh